

JUNCTION CITY PLANNING
O'Reilly Automotive Parts, Inc.
VARIANCE (V-13-02) – TYPE III Land Use Approval
DEVELOPMENT REVIEW (DEV-13-02) - TYPE I Land Use Approval

Application Date: June 4, 2013
Date Complete: June 11, 2013
Notice for Comment:
Staff Report Date: July 15, 2013
Planning Commission Hearing: July 22, 2013
Staff Contact: Stacy Clauson, Contract Planner

Referrals: Junction City, City Administrator
Junction City Public Works Director
Junction City Police Department
Junction City Rural Fire District
Junction City Building Official
Lane County Transportation
ODOT
Pacific Power & Light
Northwest Natural Gas
Lane Transit District

BASIC DATA

Applicant: O'Reilly Automotive Parts, Inc
Property Owner: O'Reilly Automotive Parts, Inc
Assessors Map and Lot: Assessor's Map: 15-04-32-33 Tax Lots 00800, 00900, 00600 and 01000
Zoning: Commercial, except for Lot 01000, which is Commercial/Residential
Plan Designation: Commercial, except for Lot 01000, which is Commercial/Residential
Area: Approximately 1.13 acre site

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I. REQUEST AND BACKGROUND

The applicant is proposing to construct a new 6,871 square foot retail store, to be used for selling automotive parts. The building is proposed to be located along Ivy Street on the east side of the existing alley (see Figure 1), with access for vehicles and delivery trucks to be from the alley located between Ivy and Juniper Street. Parking for the store is proposed to be located on the north, south and west sides of the building, as well as on Tax Lot 1000, which is located on the west side of the alley. A loading and unloading zone for delivery vehicles is proposed to be accessed off the alley. The proposal requires Development Review under the City's Municipal Code standards (see Chapter 17.160). The proposal must also comply with the standards for the General Commercial (GC) and Commercial/Residential (CR) zones, contained in 17.35 and 17.40 respectively.

The applicant is also proposing to vary standards contained in the General Commercial Zoning code standards, as follows:

1. The applicant is requesting a variance from the Building Form standard contained in 17.35.100.B, addressing windows. This standard requires all street-facing building facades to provide windows along a minimum of 50 percent of the length and 20 percent of the ground floor wall area. On corner lots, the general ground floor window standards must be met on one street frontage only. The applicant is proposing a variance to allow the new building to be constructed without windows meeting these requirements on the north and east sides of the building, facing W 5th Avenue and Ivy Street. Along these frontages, no windows are proposed.
2. The applicant has previously requesting a variance from the Utilities standard contained in 17.35.120. On July 11, 2013 this application was withdrawn.

The variance request will be reviewed for consistency with the criteria contained in Chapter 17.140.010 of the Municipal Code.

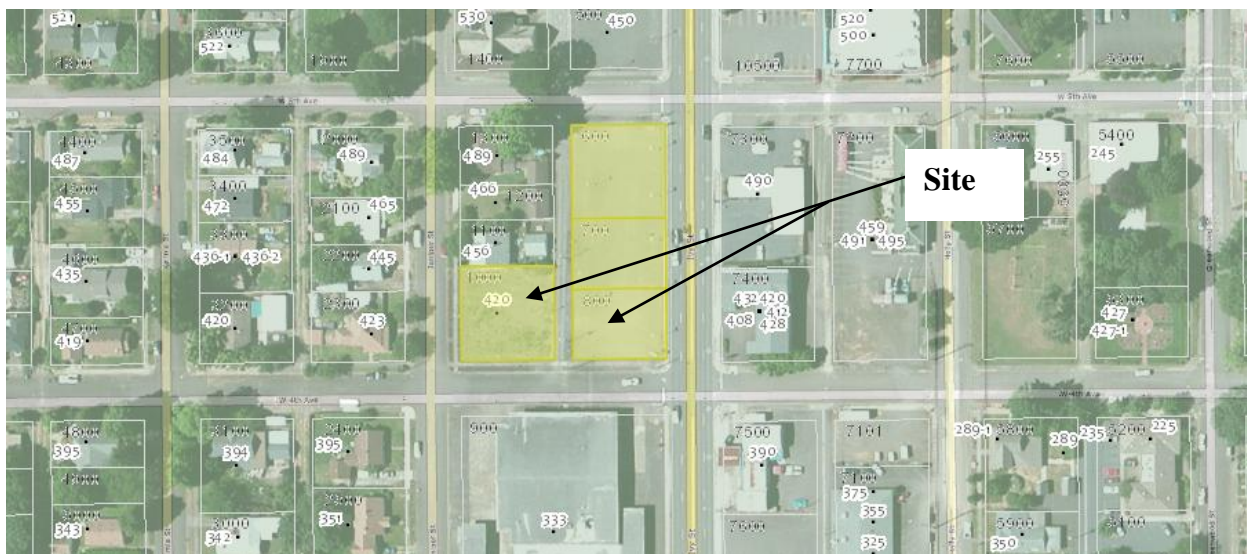


Figure 1. Aerial Photograph of Site (2011).

The subject property is zoned General Commercial and Commercial/Residential (see Figure 2).



Figure 2. Zoning Map.

The project is located on the south side of W 5th Avenue, on the north side of W 4th Avenue, east of Hwy 99, and west of Juniper Street (for Tax Lot 01000) and the alley separating the block between Juniper Street and Hwy 99. The property abuts Commercial/Residential (CR) zoned property to the east, GC (General Commercial) zoned properties to the north, south and west.

The surrounding properties are developed with the following uses:

- North: The property adjoins W 5th Avenue on the north side. On the opposite side of W 5th Avenue is the Eugene Masonic Lodge.
- South: The property adjoins W 4th Avenue on the south side. On the opposite side of W 4th Avenue, the property adjoins Citizens Bank.
- West: The property adjoins a mid-block alley separating Juniper Street and Highway 99. Three single family residences are located on the west side of the alley.
- East: The property adjoins Hwy 99 on the east side. An automobile service station and office building are located on the east side of Hwy 99.

Access to the site is proposed to be via either W 4th Avenue or W 5th Avenue to the alley.

The site is currently vacant.

The applicant's submittal materials are attached to this staff report as **Exhibit I**.

Applicant's submittal materials include:

- (a) Burden of Proof for Development Review
- (b) Burden of Proof for Variance Application
- (c) Site Plan, Civil, Landscape, and Building Elevation drawings
- (d) Traffic Generation Statement
- (e) Geotechnical Report
- (f) Statutory Warranty Deed

II. BACKGROUND

The property was previously developed as a vehicle sales/display lot.

III. PUBLIC NOTICE AND REFERRALS

Public Notice: Notice was mailed to the applicant and to all owners and abutting property owners within 300 feet of the subject property on June 12, 2013. Additionally, on June 26, 2013 a notice was published in the Register Guard. As of this writing, no comments have been received.

Referrals: Referrals were sent on June 15, 2013, and the following agencies and city staff were notified: Junction City, City Administrator, Junction City Public Works Director, Junction City Police Department, Junction City Rural Fire District, Junction City Building Official, Lane County Transportation, ODOT, Pacific Power & Light, Northwest Natural Gas and Lane Transit District.

As of the issuance of this staff report, the following agencies have submitted comments on the proposal:

- Junction City Public Works Director (see Exhibit 2);
- Junction City Building Official (see Exhibit 3);
- Lane County Transportation Planning (see Exhibit 4); and

- Northwest Natural (see Exhibit 5).

Comments received are included in this Staff Report as **Exhibits II-V** respectively.

CONDITION: The applicant shall be responsible for ensuring that the proposed development authorized under this application is consistent with and complies with the conditions of approval established by other agencies with jurisdiction.

IV. AUTHORIZATION

Authorization to Grant or Deny Variance: Section 17.140.010 states that the Planning Commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of the property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this title.

Development Review: Section 17.160.030 states that no building permit may be issued for any development within the city of Junction City unless it has met the terms of this chapter.

Multiple Proposals: Section 17.150.070.A.5.2 states that for an application containing two or more proposals for the same property, these applications may be processed collectively under the highest numbered procedure that is applicable to any of the proposals. Alternatively, the applications can be reviewed individually according to the corresponding procedure type.

FINDING: The proposal includes two proposals: 1) A Variance to the building orientation guidelines for a new commercial building, which is a Type III decision requiring Planning Commission approval, and 2) Development Review approval of the proposed development, which is a Type I decision requiring staff approval. The findings contained in Exhibit VI and Exhibit VII address the variance and development review proposals, respectively, which are being reviewed concurrently.

V. APPLICABLE REVIEW CRITERIA

Variance: Chapter 17.140 of the Junction City Municipal Code contains the applicable standards for the proposed variance application.

Development Review: Chapter 17.160 of the Junction City Municipal Code contains the applicable standards for the proposed development review application, as well as base zone standards contained in Chapter 17.35 and Chapter 17.40.

VI. REVIEW OF APPLICABLE VARIANCE CRITERIA

The analysis of the compliance with the standards is contained in Exhibit VI, which constitute the proposed Findings of Fact for the proposal.

VII. REVIEW OF APPLICABLE DEVELOPMENT REVIEW CRITERIA

Except for the standards to which the applicant is requesting a variance, the proposal is consistent with the applicable standards, subject to conditions. The analysis of the compliance with the standards is contained in Exhibit VI, which constitute the proposed Findings of Fact for the proposal.

VIII. STAFF RECOMMENDATIONS

A. Variance

Staff recommends **partial approval and partial denial** of the requested variance.

Staff recommends approval of a variance to reduce the amount of windows required on one building façade, or the equivalent (rather than two building facades requested) subject to the following conditions:

- 1) Applicant must provide revised plans for the new structure that match the variance as approved. Prior to building permit issuance, the applicant shall submit revised plans for staff review that conform to one of the following:
 - a. Comply with the minimum window standards along the Hwy 99 frontage; or
 - b. Comply with ½ the minimum window requirement along both the Hwy 99 and W 5th Avenue frontages; or
 - c. A combination of these options, provided that at minimum no less than ½ the minimum requirement is met along the Hwy 99 frontage.
- 2) The applicant must provide landscaping and building details that are consistent with the submitted drawings, except as otherwise modified by the development review decision.

B. Development Review

Staff finds that the request for a development review permit for the proposed retail use can meet, or meet with conditions, the applicable criteria in the Junction City Municipal Code. Staff recommends the Planning Commission **approve** the development review permit with the conditions listed in the attached findings of fact.

IX. POSSIBLE ACTIONS BY THE PLANNING COMMISSION

A. Variance:

The Commission may:

- a. Approve the Variance with or without conditions based on changes to the findings in the draft Findings of Fact.
- b. Partially approve the Variance with conditions based on the findings in the draft Findings of Fact.
- c. Deny the Variance based on changes to the findings in the draft Findings of Fact.
- d. Continue the public hearing on the Variance if more information is needed.

B. Development Review

The Commission may:

- a. Approve the Development Review application with conditions based on the findings in the draft Findings of Fact.
- b. Approve the Development Review application with or without conditions based on changes to the findings in the draft Findings of Fact.
- c. Deny the Development Review application based on changes to the findings in the draft Findings of Fact.

X. EXHIBITS

- I. Application materials, including
 - a. Burden of Proof for Development Review
 - b. Burden of Proof for Variance Application
 - c. Site Plan, Civil, Landscape, and Building Elevation drawings
 - d. Traffic Generation Statement
 - e. Geotechnical Report
 - f. Statutory Warranty Deed
- II. Junction City Public Works Director comments
- III. Junction City Building Official comments
- IV. Lane County Transportation Planning comments
- V. Northwest Natural comments
- VI. Draft Findings of Fact for Variance Application
- VII. Draft Findings of Fact for Development Review Application